

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: HSIAO, Cheng-Fang

SERIAL NO.: 10/688,185

ART UNIT: 2834

FILED: October 20, 2003

EXAMINER: Comas, Y.

TITLE: DIRECT CURRENT BRUSHLESS VIBRATION MOTOR

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)
STATEMENT OF FACTS

Mail Stop PCT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.137(b), the following is a statement of delay caused by unintentional circumstances.

1. The present application was filed on 20 October 2003 as a non-provisional utility patent application.
2. A Final Action was sent on January 25, 2006, having a response being due by April 25, 2006.
3. Applicant did not timely respond to the Final Action. Applicant did not intend to fail to respond to the Final Action from the U.S. Patent and Trademark Office. The present application has an extensive history of confused files and documents with another application. Please refer to the Image File Wrappers of both 10/688,185 and 10/687,115. Applicant believes that confusion between the files resulted in the lack of response to the Final Action regarding the motor of U.S. Serial No. 10/688,185.

Applicant did not intend for the application, for the motor as U.S. Serial No. 10/688,185, to be abandoned.

4. As such, the Application was constructively abandoned as of 25 July 2006.
5. A Notice of Abandonment was received on August 16, 2006.
6. The present petition is more than three months after the Notice of Abandonment.
7. The period of delay between the receipt of the Notice of Abandonment and the present filing of the Petition to Revive was unintentional. Applicant did not intend to delay filing the present Petition to Revive for more than three months. The U.S. Patent and Trademark Office initiated correction of the application documents in April 2006, including the switch of Attorney Docket numbers. The current Attorney Docket No. in the U.S. Patent and Trademark Office lists "1496-941" instead of "1496-942". Applicant respectfully believes that the reference number confusion, in addition to the extensive history of confused U.S. serial numbers, resulted in the period of delay for filing the Petition to Revive.
8. The present petition is less than one year after the date of actual abandonment by the U.S. Patent and Trademark Office on July 25, 2006.
9. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

Applicant petitions for revival based upon unintentional delay, and Applicant has included a proper response, comprising transmittal of Amendment "B" in reply to Final Action of January 25, 2006 concurrent with a Request for Continued Examination and the present filing of the Petition.

Applicant files the required reply to secure revival of the patent application for consideration on the merits and eventual issuance of allowable subject matter by the U.S. Patent and Trademark Office.

The present Petition for Revival is less than one year of the actual abandonment. The present Petition for Revival is more than three months after receiving notice of Abandonment, but this period of delay was unintentional. The entire period of delay, until the filing of the present grantable petition, was unintentional.

Applicant respectfully requests granting the Petition to Revive because the Applicant never intended for the application to be abandoned. No new matter has been added by the present amendment. Applicant respectfully contends that the application is now in a proper condition for consideration on the merits. The government fee of \$750 for a small entity is attached. Additional fees for the Request for Continued Examination are also enclosed. Any deficiency or overpayment with regard to this petition and response to the Final Action may be credited or debited to Deposit Account 08-0879.

Respectfully submitted,

December 5, 2006

/Andrew W. Chu/

Date

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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

PETITION FOR REVIVAL OF AN APPLICATION (37 C.F.R. § 1.137(b))

is being deposited by electronic filing on November 4, 2006.

Respectfully submitted,

December 5, 2006

Date

/Andrew W. Chu/

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